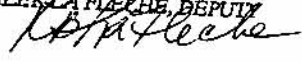


FILED

JAN 12 2000

JOHN P. MONTGOMERY,
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
BY: K. BECHLER, CLERK, DEPUTY



BILL LOCKYER
Attorney General
STEPHANIE WALD
Supervising Deputy Attorney General
ASHER RUBIN (State Bar No. 33188)
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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN

COUNCIL FOR PRIVATE POSTSECONDARY
AND VOCATIONAL EDUCATION, et al.,

Plaintiffs,

v.

COLUMBIA PACIFIC UNIVERSITY, et al.,

Defendants,

Case No.: 172634

ORDER CORRECTING
JUDGMENT NUNC PRO TUNC

It appearing to the Court that the Permanent Injunction issued by this Court on January 5, 2000, contains clerical errors, the judgment is hereby corrected as follows:

- a. On page 3, line 11, the date June 15, 1997 is hereby changed to June 25, 1997;
- b. On page 3, line 20, the date June 15, 1997 is hereby changed to June 25, 1997;
- c. In Student Notice-B, line 8, the date June 15, 1997 is hereby changed to June 25, 1997.

SO ORDERED, nunc pro tunc.

DATED: 1/12/00


M. Lynn Duryee
Judge of the Superior Court

1 BILL LOCKYER
Attorney General
2 STEPHANIE WALD
Supervising Deputy Attorney General
3 ASHER RUBIN (State Bar No. 33188)
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102
5 Telephone: (415) 703-5503
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6 Attorneys for Plaintiffs

FILED

JAN 12 2000

JOHN P. MONTGOMERY,
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
BY: K. BECHLER-LA FLECHIE, DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF MARIN

11 COUNCIL FOR PRIVATE POSTSECONDARY
AND VOCATIONAL EDUCATION, et al.,

13 Plaintiffs,

14 v.

15 COLUMBIA PACIFIC UNIVERSITY, et al.,

16 Defendants,

Case No.: 172634

EX PARTE APPLICATION FOR
ORDER CORRECTING
JUDGMENT NUNC PRO TUNC

17 When we submitted our draft of the Permanent Injunction in this case a clerical error
18 escaped our notice. The Council's decision was rendered on June 25, 1997 and all references to
19 June of 1997 should be to that date. Upon review of the filed injunction, however, we noticed
20 that on page 3, lines 11 and 20, and on Student Notice-B, line 8, the date is mistakenly shown as
21 June 15, 1997. As we have noted this is a clerical error and we request that the Court issue an
22 order correcting the date to June 25, 1997.

23 DATED: January 11, 2000

24 BILL LOCKYER, Attorney General
of the State of California

25 
26 ASHER RUBIN
27 Deputy Attorney General

28 Attorneys for Plaintiffs

Asher Rubin declares under penalty of perjury that:

2. On January 10, 2000, I spoke to Orrin Grover, counsel for defendants, and informed him that I would be appearing ex parte in this Court on January 12, 2000.

3. When I drafted the Permanent Injunction in this case I noticed that my first draft contained the date June 15, 1999. I instructed my secretary to change June 15 wherever it appeared in the document to June 25. She changed it in most places in the documents but failed to change it on page 3 of the Injunction and in Student Notice-B. In reviewing the final draft I neglected to pick up the discrepancy in the dates.

I declare that the foregoing is true and correct. Executed at San Francisco, California, on
January 11, 2000.

Ind. Ind.

Asher Rubin
Deputy Attorney General

ATTORNEY GENERAL--OFFICE COPY

FILED

JAN 05 2000

JOHN P. MONTGOMERY,
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: T. Olsen, Deputy

BILL LOCKYER
Attorney General
STEPHANIE WALD
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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN

BUREAU FOR PRIVATE POSTSECONDARY AND
VOCATIONAL EDUCATION; and, THE PEOPLE
OF THE STATE OF CALIFORNIA,

Plaintiffs,

v.

COLUMBIA PACIFIC UNIVERSITY; COLUMBIA
PACIFIC UNIVERSITY BOOKSTORE; RICHARD
LAWRENCE CREWS, M.D.; ARTHUR M. BLUM;
DR. LES CARR; and, DOES 1-50,

Defendants,

Case No.: 172634

PERMANENT INJUNCTION

Upon reading the documents on file in this case, and considering the arguments
and evidence, and good cause appearing, therefor,

IT IS HEREBY ORDERED that defendants above-named and their
representatives, employees, agents, successors, assignees, and all persons acting in concert with
them or any of them (hereinafter "defendants") with actual or constructive knowledge of this
Order are enjoined from directly or indirectly doing any of the following acts in the State of
California:

1. Operating (as defined in Education Code, section 94745), Columbia Pacific
University or any other private postsecondary educational institution (as defined in Education

I.

Code section 94739) that does not have current Bureau for Private Postsecondary and Vocational Education ("Bureau") approval to operate and is not otherwise exempt from the Private Postsecondary and Vocational Education Reform Act of 1989 ("Private Postsecondary Act").

2. Offering any person, directly or indirectly, any educational program at Columbia Pacific University or at any other private postsecondary educational institution that does not have current Bureau approval to operate and is not otherwise exempt from the Private Postsecondary Act.

3. Advertising, promoting, or publicizing educational services, at Columbia Pacific University as being approved by the Bureau or the State of California or any of its agencies.

4. Making, disseminating, or causing to be made or disseminated, untrue or misleading statements with respect to Bureau approval of Columbia Pacific University's programs or services. (Bus. & Prof. Code, § 17500.)

5. Signing or issuing, or causing to be signed or issued, any United States Immigration and Naturalization Service Certificate of Eligibility for Non-immigrant Student Status document (I.N.S. Form I-20) in connection with Columbia Pacific University or any other private postsecondary educational institution operated within California that does not have current Bureau approval to operate and is not otherwise exempt from the Private Postsecondary Act. (8 C.F.R. § 214.3(b).)

IT IS FURTHER ORDERED as follows:

6. Within five (5) days of this Order defendants shall cease operating Columbia Pacific University.

7. Defendant Columbia Pacific University is ordered to pay to the Bureau For Private Postsecondary and Vocational Education civil penalties for violations of Business and Professions Code sections 17200 et seq. and sections 17500 et seq. the sum of ten thousand dollars (\$10,000). Said penalties shall be paid within thirty (30) days of this Order.

///

///

1 8. No later than January 15, 2000, defendants shall ensure that all students^{1/}
2 enrolled in Columbia Pacific University since June 25, 1997, receive the written notice and
3 refund request form attached hereto as "Student Notice-A" and incorporated herein, or such other
4 notice that the Bureau agrees to in writing or the court authorizes. If defendants solicited the
5 student or negotiated an enrollment agreement in a language other than English, the notice to the
6 student shall be in that same language. Defendants shall also provide each student with a copy of
7 this Permanent Injunction. No later than January 15, 2000, defendants shall provide the Bureau
8 with a list consisting of the name, address and telephone number of each student to whom the
9 notice required by this paragraph was sent.

10 9. Immediately, and no later than January 6, 2000, ensure that all students who
11 were enrolled in Columbia Pacific University on June 15, 1997, and who withdrew from
12 Columbia Pacific University prior to the date of this permanent injunction, receive the written
13 notice and refund request form attached hereto as "Student Notice-B" and incorporated herein. If
14 defendants solicited the student or negotiated an enrollment agreement in a language other than
15 English, the notice to the student shall be in that same language. Defendants shall also provide
16 each student with a copy of this Permanent Injunction. No later than January 6, 2000, defendants
17 shall provide the Bureau with a list consisting of the name, address and telephone number of
18 each student to whom the notice required by this paragraph was sent.

19 10. No later than January 15, 2000, defendants shall ensure that all students who
20 were enrolled in Columbia Pacific on June 15, 1997, and who on that date or any time thereafter
21 obtained a degree from Columbia Pacific University, receive the written notice and refund
22 request form attached hereto as "Student Notice-C" and incorporated herein. If defendants
23 solicited the student or negotiated an enrollment agreement in a language other than English, the
24

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26 1. At all times herein, "student" includes any person who has entered into an agreement
27 with defendants, or has paid any money to defendants, for the purpose of obtaining educational
28 services as defined in Education Code section 94729, irrespective of the person's nationality, or
whether his or her place of residence or physical location is inside or outside the State of
California.

notice to the student shall be in that same language. Defendants shall also provide each student with a copy of this permanent injunction no later than January 15, 2000. Defendants shall provide the Bureau with a list consisting of the name, address and telephone number of each student to whom the notice required by this paragraph was sent.

11. No later than thirty (30) days after a student requests a refund from Columbia Pacific, defendants shall ensure that he or she is provided a full and complete refund of all course fees, tuition, application fees, enrollment fees, late booking fees, cancellation insurance, change of location fees, and any other fees which the student paid to the defendants.

12. No later than April 6, 2000, defendants shall serve on plaintiffs and file with the court, a report as to the status of each of the following:

a. Each student currently enrolled at Columbia Pacific University. The report shall include the name of each student, the name of the course or program in which the student was enrolled, the program or course start date, the program or course withdrawal date or program or course completion date, the date on which the student requested a refund, an itemization of fees paid by the student to Columbia Pacific University, an itemization of fees refunded to the student by Columbia Pacific, and the date the refund was issued by defendants, and an explanation of the reason for any difference between the amount the student paid to defendants and the amount the student received as a refund.

b. Each student who was enrolled in Columbia Pacific University on June 25, 1997, and who withdrew from Columbia Pacific University prior to the date of this injunction. The report shall include the name of each such student, the name of the program or course in which the student was enrolled, the program or course start date, the program or course withdrawal date or the course or program completion date, the date on which the student requested a refund, an itemization of the fees paid by the student to defendants, an itemization of the fees refunded to the student and the date on which the refund was issued by defendants, and an explanation of the reason for any difference between the amount the student paid to defendants and the amount the student received as

1 a refund.

2 c. Each student who was enrolled in Columbia Pacific University on
3 June 25, 1997, and who received a degree from Columbia Pacific University or on after
4 that date. The report shall include the name of each such student, the name of the degree
5 program in which the student was enrolled and obtained a degree, the date on which the
6 student obtained the degree, the date on which the student requested a refund, an
7 itemization of the fees paid by the student to defendants, an itemization of the fees
8 refunded to the student by Columbia Pacific the date on which the refund was issued by
9 defendants, and an explanation of the reason for any difference between the amount the
10 student paid to defendants and the amount the student received as a refund.

11 13. If on the date of the filing of the reports required by paragraph 12 there
12 remain students who have requested a refund from Columbia Pacific University but who have
13 not been issued a refund, defendants shall be considered to be in contempt of this order unless
14 they shall satisfy the court that they have good and sufficient reasons for failing to make such
15 refunds.

16 14. At any time prior to June 30, 2000, the Bureau may inspect and audit
17 Columbia Pacific University's records for the purpose of determining whether and to what extent
18 defendants have complied with this injunction.

19 Dated: DEC 30 1999

20 LYNN DURYEE

21 Honorable M. Lynn Duryee
22 Judge of the Superior Court

23
24 Approved as to Form:

25
26 Orrin Grover
27 Attorneys for Defendants
28

1 **STUDENT NOTICE-A**

2 Date:

3 To: Persons who currently are students of Columbia Pacific University:

4 The California Superior Court has found that Columbia Pacific University is
5 operating illegally because it does not have approval to operate from the State of California
6 Bureau for Private Postsecondary and Vocational Education ("Bureau"), and has not held an
7 approval to operate since June 25, 1997. The Court has issued an order permanently enjoining
8 Columbia Pacific University from operating and offering educational services. A copy of the
9 Court's order is attached.

10 As a person who currently is a student of Columbia Pacific University, you have
11 the right to obtain a full refund from Columbia Pacific University of all course fees, tuition,
12 application fees, enrollment fees, late booking fees, cancellation insurance, change of location
13 fees, and any other fees you may have paid to Columbia Pacific University. (This means
14 Columbia Pacific University must give you back all of the money you paid to it.)

15 In order to obtain a refund, you must complete the form attached to this notice
16 and return it to Columbia Pacific University.

17 If you have any complaints, questions, or concerns about what this notice says,
18 try to work them out with Columbia Pacific University, whose main office is:

19 Columbia Pacific University
20 105 Digital Drive
21 Novato, CA 94949
22 Telephone: (415) 884-7878

23 If Columbia Pacific University does not pay you the refund you think you
24 should get, or you are not able to work out your problems with Columbia Pacific, write or fax
25 your complaint to:

26 Bureau for Private Postsecondary and Vocational Education
27 Attention: Deborah Godfrey
28 1027 - 10th Street, 4th Floor
29 Sacramento, CA 95814-3517
30 Telephone: (916) 445-3427, ext. 3023
31 Fax: (916) 445-3428

1 **STUDENT NOTICE-B**

2 Date:

3 To: Persons who were students of Columbia Pacific University on June 25, 1997, and who
4 withdrew from Columbia Pacific University after that date:

5 The California Superior Court has found that Columbia Pacific University is
6 operating illegally because it does not have approval to operate from the State of California
7 Bureau for Private Postsecondary and Vocational Education ("Bureau"), and has not held an
8 approval to operate since June 15, 1997. The Court has issued an order permanently enjoining
9 Columbia Pacific University from operating and offering educational services. A copy of the
10 Court's order is attached.

11 As a person who was a student of Columbia Pacific University on June 25,
12 1997, and who withdrew from Columbia Pacific University after that date, you have the right
13 to obtain a full refund from Columbia Pacific University of all course fees, tuition, application
14 fees, enrollment fees, late booking fees, cancellation insurance, change of location fees, and
15 any other fees you may have paid to Columbia Pacific University (this means Columbia Pacific
16 University must give you back all of the money you paid to it), to the extent that you were not
17 already refunded those amounts upon your withdrawal.

18 In order to obtain a refund, you must complete the form attached to this notice
19 and return it to Columbia Pacific University.

20 If you have any complaints, questions, or concerns about what this notice says,
21 try to work them out with Columbia Pacific University, whose main office is:

22 Columbia Pacific University
23 105 Digital Drive
24 Novato, CA 94949
Telephone: (415) 884-7878

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27 ///

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1
2 If Columbia Pacific University does not pay you the refund you think you
3 should get, or you are not able to work out your problems with Columbia Pacific, write or fax
4 your complaint to:

5 Bureau for Private Postsecondary and Vocational Education
6 Attention: Deborah Godfrey
7 1027 - 10th Street, 4th Floor
8 Sacramento, CA 95814-3517
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1 **STUDENT NOTICE-C**

2 **Date:**

3 **To: Persons who were students of Columbia Pacific University on June 25, 1997, and who**
4 **received a degree from Columbia Pacific University on or after June 25, 1997:**

5 The California Superior Court has found that Columbia Pacific University is
6 operating illegally because it does not have approval to operate from the State of California
7 Bureau for Private Postsecondary and Vocational Education ("Bureau"), and has not held an
8 approval to operate since June 25, 1997. The Court has issued an order permanently enjoining
9 Columbia Pacific University from operating and offering educational services. A copy of the
10 Court's order is attached.

11 As a person who was a student of Columbia Pacific University on June 25,
12 1997, and who was granted a degree from Columbia Pacific University on or after that date,
13 you have the right to obtain a full refund from Columbia Pacific University of all course fees,
14 tuition, application fees, enrollment fees, late booking fees, cancellation insurance, change of
15 location fees, and any other fees you may have paid to Columbia Pacific University (this means
16 Columbia Pacific University must give you back all of the money you paid to it).

17 In order to obtain a refund, you must complete the form attached to this notice
18 and return it to Columbia Pacific University.

19 If you have any complaints, questions, or concerns about what this notice says,
20 try to work them out with Columbia Pacific University, whose main office is:

21 Columbia Pacific University
22 105 Digital Drive
23 Novato, CA 94949
24 Telephone: (415) 884-7878

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1
2 If Columbia Pacific University does not pay you the refund you think you

3 should get, or you are not able to work out your problems with Columbia Pacific, write or fax
4 your complaint to:

5 Bureau for Private Postsecondary and Vocational Education
6 Attention: Deborah Godfrey
7 1027 - 10th Street, 4th Floor
8 Sacramento, CA 95814-3517
9 Telephone: (916) 445-3427, ext. 3023
10 Fax: (916) 445-3428
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DECLARATION OF SERVICE

Case Name: **Council for Private Postsecondary and Vocational Education, et al. v. Columbia Pacific University, et al.**

Case No.: **172634**

I declare:

I am employed in the County of San Francisco, California. I am 18 years of age or older and not a party to the within entitled cause; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, California 94102.

On December 23, 1999, I served the attached

PERMANENT INJUNCTION

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California, addressed as follows:

ORRIN GROVER, Esq.
303 North First Street
Woodburn, Oregon 97071

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on December 23, 1999 at San Francisco, California.

Marlene Dong


Signature